

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK**

In re	:	Chapter 11
	:	
DOWLING COLLEGE,	:	
f/d/b/a DOWLING INSTITUTE,	:	Case No. 16-75545 (REG)
f/d/b/a DOWLING COLLEGE ALUMNI	:	
ASSOCIATION,	:	
f/d/b/a CECOM,	:	
a/k/a DOWLING COLLEGE, INC.,	:	
	:	
Debtor.	:	

X

**STIPULATION AND ORDER LIMITING  
DISCLOSURE OF CONFIDENTIAL INFORMATION**

**WHEREAS**, on November 29, 2016 (the “Petition Date”), the Debtor filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the United States Bankruptcy Court for the Eastern District of New York (the “Court”); and

**WHEREAS**, prior to the Petition Date, Healthplex, Inc. (“Healthplex”) provided claims administration service for dental claims for the Debtor’s former employees; and

**WHEREAS**, on January 20, 2017, the Debtor filed a motion for an order, pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure, authorizing it to examine, among others, Healthplex [DE 179]; and

**WHEREAS**, on February 14, 2017, the Court entered an order (the “Order”) authorizing the Debtor to serve a subpoena (the “Subpoena”) upon Healthplex [DE 203]; and

**WHEREAS**, the Subpoena seeks disclosure of certain medical claims information for its former employees (“Patients”), and the Subpoena places at issue records that may contain certain confidential information prohibited from being disclosed under 42 CFR Part 2 (“Confidential Information”); and

**WHEREAS**, the Debtor has a legally recognized interest in disclosure of the Confidential Information; and

**WHEREAS**, the public interest and need for the disclosure of the Confidential Information to the Debtor, as limited by the Order and this Stipulation, outweighs any potential injury to the Patients, the physician-patient relationship and the treatment services.

**NOW, THEREFORE, IT IS STIPULATED AND AGREED AS FOLLOWS:**

1. Disclosure of the Confidential Information to the Debtor shall be limited to those parts of the Patient's records that are essential to fulfill the objective of the Subpoena, including, but not limited to, items 1 through 18 set forth on Exhibit A attached hereto.

2. The Debtor shall take measures as are necessary to limit further disclosure of the Confidential Information for the protection of the Patients, the physician-patient relationship and the treatment services.

3. This Stipulation is without prejudice to the right of the Debtor to request additional documents from Healthplex, and without prejudice to Healthplex's right to oppose such a request.

4. This Stipulation may be executed in one or more counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument. Any signature delivered by a party via telecopier transmission shall be deemed an original signature hereto.

*[Signature Page Follows]*

Dated: New York, New York  
February 28, 2017

KLESTADT WINTERS JURELLER  
SOUTHARD & STEVENS, LLP

By: /s/ Sean C. Southard  
Sean C. Southard  
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*Counsel to the Debtor and Debtor in  
Possession*

Dated: Uniondale, New York  
February 28, 2017

HEALTHPLEX, INC.

By: /s/ Sharon Zelkind  
Sharon Zelkind  
President  
333 Earle Ovington Blvd., Suite 300  
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Email: szelkind@healthplex.com

*Healthplex, Inc.*

**“SO ORDERED”**

**Dated: Central Islip, New York  
March 2, 2017**



A handwritten signature in black ink that reads "Robert E. Grossman".

**Robert E. Grossman  
United States Bankruptcy Judge**